

Appl. No. 09/664,147
Amdt. dated November 5, 2003
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2153

PATENT

REMARKS/ARGUMENTS

35 U.S.C. §102 Rejection, Kangasharju et al.

The Examiner has rejected claims 1-7, 11-14 and 17-25 under 35 U.S.C. §102(b) as being anticipated by Kangasharju et al. (1999). Claim 1 is believed to distinguish over the cited portions of Kangasharju et al. (hereinafter "Kangasharju") because limitations in these claims are neither taught nor suggested by Kangasharju. More specifically, Kangasharju does not teach or suggest storing portions of content objects on the various content exchanges as is required by claim 1. For at least this reason, the Applicants respectfully request reconsideration of the rejection to claims 1-7, 11-14 and 17-25.

General Summary of Claimed Invention

Claim 1 provides a system for cataloging content object portions dispersed across a plurality of content exchanges. This system includes in one embodiment, two or more content exchanges that each include a "plurality of content object portions." A server at the remote location includes subsets of the content object portions, and datalinks transport catalogs corresponding to the content object portions between the respective content exchanges and the server. Accessing a content object includes accessing one first content object portion from one set of content object portions, and accessing at least one other content object portion from another set of content object portions.

Of note, claim 1 provides for updating catalogs of *content object portions*. The specification discloses different embodiments for reporting status information from content exchanges. One of these embodiments involves reporting *content objects*, while another involves reporting *content object portions*. Each of the embodiments are distinct and different from the other.

Content object portions are subsets of a larger content object. Where content object portions are used, as in claim 1, "a whole copy of the content object is assembled in the content store . . . if any portion of the content object is missing." Application at p. 22, ll. 28-30. "In an iterative manner, the missing portions are retrieved from each content exchange . . . [and

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if] no other content exchange . . . has the missing portion of the content object, a query is made to the origin server . . . for the missing portion." *Id.* at p. 23, ll. 1-4. "This process of searching for portions continues in an interactive manner until all missing portions are copied to the content store . . . Although this embodiment sequentially retrieves the missing portions, other embodiments could determine the location of the missing portions and retrieve them in parallel, in any order or in the order found." *Id.* at p. 23, ll. 10-14.

Cited Reference Doesn't Teach Claimed Invention

In stark contrast, Kangasharju does not disclose any method for cataloging content object portions, or even disclose anything about content object portions. Rather, Kagasharju discloses a process for caching popular objects, not portions thereof, on geographically dispersed servers in order to improve delay and bandwidth usage, and for updating a distributed database when one of the geographically dispersed servers stores or evicts a content object.

As understood by the Applicants, the first paragraph of the Office Action takes the position that a web page along with any linked objects is a single object such that a linked object referred to in the web page could be considered a content object portion. With all due respect, this apparent official notice is believed to be an unreasonable interpretation of the term "content object" and not supportable. See Application, page 4, last full paragraph for a discussion of the well-known term "content object." A web page is a content object. That web page content object may contain hypertext links or URLs that refer to other content objects. The linked content objects are associated with the web page, but in no way are actually part of it. If official notice is maintained for the proposition that a web page and its linked objects is single content object, Applicants respectfully traverse this official notice and hereby request an express showing of documentary proof of this proposition as set forth in MPEP 2144.03.

Hence, applicant respectfully requests reconsideration and withdrawal of the rejection as to claim 1. Applicants believe Kangasharju does not teach the ability for caches to store portions of content objects. Having this ability, allows recreating large video and audio

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files from many pieces spread amongst caches in one embodiment. Kangasharju does not teach this ability.

35 U.S.C. §103 Rejection, Kangasharju et al. in view of Hunt

The Examiner has also rejected claims 8, 10, 14, 15, 17, 18 and 21 under 35 U.S.C. §103(a) as being unpatentable over Kangasharju in view of Hunt (U.S. Patent No. 6,192,398). Beyond the argument above relating to Kangasharju not teaching storage of content object portions, the cited portions of Hunt (hereinafter "Hunt") also does not teach storage of content object portions. Hunt teaches various web pages or content objects being stored in various caches, but not that a part of a web page could be accessed from a first cache and that another part could be accessed from a second cache as is generally required by claims 8, 10, 14, 15, 17, 18 and 21.

Further, motivation for the specific combination of elements is lacking along with any reasonable likelihood of success in that combination. The motivation to combine arguments in the Office Action follow a reasoning that if someone made the combination and/or substitution, the advantages would be self-evident to one of ordinary skill in the art. That is not the proper reasoning as the art itself must suggest the specific combination and/or substitution. To first make the combination can only be done relying upon impermissible hindsight reconstruction guided by the claims.

Further, no cite is made to a reference is made for a motivation to combine so the Applicants can only assume official notice is being relied upon. Should this apparent official notice be maintained, an express showing of proof is requested.

35 U.S.C. §103 Rejection, Kangasharju et al. and Hunt and further in view of Chase et al.

The Examiner has also rejected claims 9, 11, 13, 16, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Kangasharju et al. (1999) and Hunt (U.S. Patent No. 6,192,398), and further in view of Chase et al. (EP 0 877 326 A2). Claims 9, 11, 13, 16, 19 and 20 are allowable for at least the reasons that their respective parent claims are.

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Further, motivation for the specific combination of elements is lacking along with any reasonable likelihood of success in that combination. With regard to the motivation to combine the references, no cite is made to a reference is made so the Applicants can only assume official notice is being relied upon. Should this apparent official notice be maintained, an express showing of proof is requested.

35 U.S.C. §103 Rejection, Kangasharju et al. in view of Chase et al.

The Examiner has rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Kangasharju et al. in view of Chase et al. (EP 0 877 326 A2). Claim 5 is dependent upon claim 1 and is allowable for at least the reasons that claim 1 is.

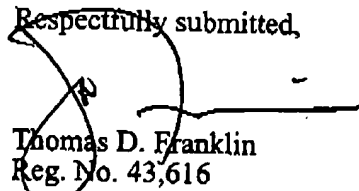
Further, motivation for the specific combination of elements is lacking along with any reasonable likelihood of success in that combination. With regard to the motivation to combine the references, no cite is made to a reference is made so the Applicants can only assume official notice is being relied upon. Should this apparent official notice be maintained, an express showing of proof is requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged. Reconsideration of the claims in their current form is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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